

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ROLAND MA,

11 Plaintiff,

12 v.

13 UNIVERSITY OF SOUTHERN CALIFORNIA,

14 Defendant.

15 CASE NO. C18-1778-JCC

16 MINUTE ORDER

17 The following Minute Order is made by direction of the Court, the Honorable John C.
18 Coughenour, United States District Judge:

19 This matter comes before the Court on Plaintiff's amended motion for permanent
20 injunction (Dkt. No. 91). On March 18, 2019, the Court entered judgment dismissing Plaintiff's
21 claims against Defendant without prejudice. (Dkt. No. 87.) The Court dismissed the claims at
22 Plaintiff's request. (*See* Dkt. Nos. 86, 87) ("I have no choice other than moving the Court to
23 dismiss this case without prejudice, so that I can re-file in a later time once the persecution has
24 been declined or over.").

25 A day after the Court entered judgment, Plaintiff filed a motion for permanent
26 injunction.¹ (Dkt. No. 90.) Plaintiff requests that the Court order Defendant "to avoid contact

1 Plaintiff subsequently filed his amended motion for permanent injunction a day later on
March 20, 2019. (Dkt. No. 91.)

1 [with] any of the healthcare providers of Plaintiff, [or] obtain any of the protected health
2 information (PHI) in any way, shape, or form, in accordance to Health Insurance Portability and
3 Accountability Act (HIPAA).” (Dkt. No. 91 at 1.) Plaintiff states that such an injunction is
4 warranted because the case has been dismissed without prejudice, and there is no reason for
5 Defendant “to continue to issue anymore subpoena[s] [or] to obtain anymore protected health
6 information.” (*Id.* at 2.) Plaintiff does not allege that Defendant has issued any subpoenas or
7 attempted to obtain any of his medical records since the Court dismissed this lawsuit. Plaintiff
8 supports his request by citing to Local Civil Rule 55(b)(2), which pertains to the evidence
9 plaintiffs must provide to obtain a default judgment.

10 Since the Court has entered judgment, it construes Plaintiff’s request as a motion to alter
11 the judgment. *See Fed. R. Civ. P. 59(e); see also Am. Ironworks & Erectors, Inc. v. N. Am.*
12 *Constr. Corp.*, 248 F.3d 892, 898–99 (9th Cir. 2001) (holding that motions filed within 28 days
13 of judgment are treated as a Rule 59(e) motion, whereas motions filed after 28 days from entry of
14 judgment are treated as a Rule 60 motion). A district court may amend its judgment if it “(1) is
15 presented with newly discovered evidence, (2) committed clear error or the initial decision was
16 manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist. No. 1J,*
17 *Multnomah Cty. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

18 There is neither a legal nor factual basis for granting Plaintiff’s motion. Plaintiff has not
19 offered newly discovered evidence, demonstrated that the Court’s judgment was manifestly
20 unjust, or shown that there was an intervening change in controlling law. Nor is Plaintiff’s
21 requested injunctive relief—that Defendant cease attempting to obtain his medical records—even
22 related to the relief he originally sought in this lawsuit. (*See* Dkt. No. 10 at 10.) Furthermore,
23 Plaintiff has already refiled his claims against Defendant, making the requested injunctive relief
24 wholly inappropriate. *See Roland Ma v. Dept. of Educ.*, Case No. 19-0399-RAJ, Dkt. No. 1-1
25 (W.D. Wash. 2019). For those reasons, Plaintiff has not demonstrated a basis for the Court to
26 amend its judgment and grant a permanent injunction.

1 Plaintiff's motion for permanent injunction (Dkt. No. 91) is DENIED.
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2 DATED this 25th day of March 2019.
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5 William M. McCool
6 Clerk of Court
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9 s/Tomas Hernandez
10 Deputy Clerk
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